APPEAL HEARING
for 9 Laurel Ave., San Anselmo
6/14/2022

Applicant Name: Hassan Afrookteh & Brooke Peterson
Property Address: 9 Laurel Avenue, San Anselmo, CA 94960
Assessor Parcel Number: 007-112-11

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Project Narrative

This is the fourth hearing for this Project. It was a lift-and-fill proposal which was first reviewed and subsequently denied by the Planning Commission on January 6, 2020.

Timeline

First Hearing

Project Number	PRO 2019-063
Applied	10/21/2019
Hearing	1/6/2020

The agenda, drawings, information and a video of the 1/6/2020 hearing can be found here:
https://sananselmo-ca.granicus.com/MediaPlayer.php?view_id=1&clip_id=395

The Planning Commission provided direction for a redesign as follows:

1. Commissioners supported parking in setback: (1:58:14), (2:05:48),
2. Parking in front setback is allowed in a lot of cases (2:06:20)
3. Lift -and-fill is not appropriate for this site.
4. Make the house smaller by proposing a more modest addition (2:00:00)
5. Reduce the height of the structure by reducing first floor plate heights (2:00:10)
6. Reduce shadow impact on north neighbor
7. Don't build in the front setback (1:58:45), (2:05:25), (2:08:15)
8. Don't ask for 325 sq. ft. FAR exemption (2:03:25), (2:13:40),
9. Reduce volume and mass by eliminating internal parking (2:03:50), (staff report)
10. Employ additional mass-reducing techniques (2:15:30)
11. Do not raise the backyard by adding fill
12. Certain amount of shadow is acceptable (2:08:00), (2:09:00)
13. Second story is acceptable (2:08:00), (2:16:00) or may be inevitable due to site constraints (2:13:00)

Second Hearing

Project Number	PRO 2021-014
Applied	2/4/2021
Hearing	4/19/2021
Outcome	Continued

The agenda, drawings, information and a video of the 4/19/2021 hearing can be found here:
https://sananselmo-ca.granicus.com/MediaPlayer.php?view_id=1&clip_id=545

Responding to the design directions from the Planning Commission during the 1/6/2020 hearing, the Project was completely re-designed. Second floor area was reduced by 55% from 1,175 sq. ft. to 536 sq. ft., and 370 sq. ft. of interior parking was removed in order to reduce size and bulk. The height of the house was reduced to 24'-8", or 3'-4" lower than the earlier design, 5'-4" below max. of 30 feet. Second floor walls were stepped away from the front and north, and first floor roof was wrapped around the north side to reinforce the single-story volume as much as possible. A variety of roof shapes, gables and voids were employed to articulate and reduce the mass of the second floor.

Concurrent with the re-design effort, newly enacted 2021 amendments to the California Government Code, and SAMC 10.6 relating to ADUs, allowed for by-right conversion of the existing 278 sq. ft. accessory garage structure to an ADU. However, the Town staff argued that the FAR and lot coverage exemptions for the ADU in the statute 65852.2 (a)(8)(2)(C), and in SAMC 10.6.205 did not apply to this Project, and added the floor area and footprint of the ADU to the primary residence. By doing so, contrary to the intent of the Legislature, and in spite of their assertions to the contrary, the Planning Commission applied excessive and burdensome requirements effectively restricting the creation of an ADU 65852.150(8)(b). A letter dated 4/5/2022 was submitted to the Town objecting to mischaracterization of Project data was dismissed without any comment by Town staff. Correspondence from California Department of Housing and Community Development (CDHCD) regarding the ADU can be viewed here.

The Planning Commissioners' comments included:

1. A 325 sq. ft. FAR exception is not allowed for this project (3:05:03), (3:08:00), (3:11:10), (3:18:00)
2. There is no precedent in disallowing second-story additions in any one-story neighborhood (3:15:12)
3. It is not unreasonable to seek a second-floor addition in this neighborhood (3:17:17), (3:21:15)
4. The second-floor addition area is significantly reduced from the first design (3:10:00)
5. Opposing arguments against this second story addition are similar to those against projects that are routinely approved (3:15:37)
6. There was support for the variance to relocate the parking spaces to the north side (3:07:00), (3:12:28)
7. The area of the ADU is part of the FAR of the residence (3:08:35), (3:10:43), (3:18:28)
8. There was support for plan modifications suggested by Town staff (3:12:00), (3:17:57)
9. Project can have an ADU, but not necessarily a second floor (3:06:00)
10. The second-floor addition and ADU are mutually exclusive (3:13:42)
11. Remove the ADU in order to have a second floor(3:18:21), (3:20:55), (3:21:38)
12. Commission has design review powers over the size of the second floor, and can deny a second floor at all (3:26:40)

Third Hearing

Project Number	PRO 2021-014
Applied	2/4/2021
Hearing	9/20/2021
Outcome	Denied

The agenda, drawings, information and a video of the 9/20/2021 hearing can be found here:
https://sananselmo-ca.granicus.com/MediaPlayer.php?view_id=1&clip_id=629

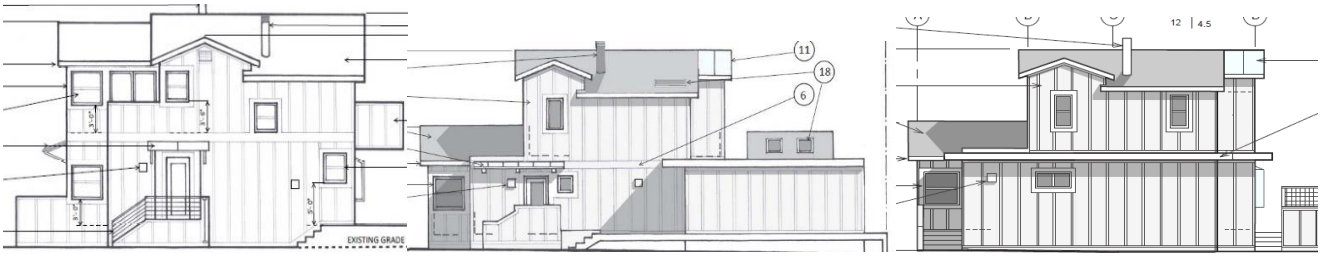
A third design for this property responded to comments by the Planning Commission at the April 19, 2021 hearing to "either remove the ADU or the second-floor addition from the project". The re-design removed the ADU, and reduced the total floor area by 278 sq. ft. making the lot coverage 31% and FAR 44.8% of the lot area, which are below allowed limits. Changes recommended by Town staff were incorporated into the redesign. The proposed design conformed to all Code criteria relating to size, lot coverage, FAR and is 18% below the height limit.

Two-story buildings are allowed in **R1** zoning, and building heights vary from one to two stories in the neighborhood. The area has a mix of architectural styles and the proposed building design would be compatible with the mixed visual character of the area. There is no precedent in disallowing second-story additions in any one-story neighborhood (3:15:12).

The bulk and mass of the second story were reduced by stepping the front and north elevations back from the lower level. The rear elevation massing is broken up by the deck and recessed master bedroom wall. The south elevation has one and two-story elements with an overhang and windows that further break up and articulates the two-story wall on

the south elevation. The lower-level plate height is 8'-4.5". The upper-level plate heights vary, but several areas have a plate height of 7'-4.5", which is low and will minimize the mass of the upper level. Several houses (here, here and here) that are larger, more bulky and less articulated than the proposed Project are currently under construction in similar neighborhoods in San Anselmo.

Street Elevations (East) for Designs 1, 2, and 3



South Elevations for Designs 1, 2, and 3

The removal of the ADU required the demolition of the existing accessory garage, which accounted for 29% of the total demolition quantity. Only 25.3% of the total demolition was for the primary residence. Non-habitable, accessory structures less than 500 sq. ft. are exempt from requirements for a demo permit (SAMC 10-3.2102). Town staff's email indicated that a demo permit would not be required. Yet, staff subsequently required a demo permit and a variance to maintain the existing non-conforming portion of the main residence. Ultimately, Town staff supported the demolition permit as most of the demolition was for the non-conforming garage structure walls and not the existing residence. As stated above, the proposed design has less mass than what would typically be proposed for a new residence.

The Planning Commissioners' comments indicated:

1. Commissioners were "torn" and found the Project "difficult" (1:36:12), (1:38:04), (1:38:15), (1:40:04), (1:40:17), (1:46:30)
2. It comes down to impact on light and privacy, and what is "material" (1:36:20)
3. If denied, application can be resubmitted in the future under SB9 resulting in a duplex with 4' setbacks and a garage (1:31:58)
4. There is a lot of variation of different types of homes in the neighborhood that is desirable (1:26:25), (1:36:52), (1:54:52)
5. Project is reduced in size, taken into consideration many of the directions given in the last hearing (1:34:35), (1:46:32)
6. Numerous two-story buildings exist outside the immediate corner (1:40:40)
7. There is no restriction on second story homes (1:40:45)
8. House is a modest size, and finished well, and will have a good feel (1:39:00), (1:50:02)
9. People are entitled to improve and expand their homes to within limits (1:35:25), (1:40:50)
10. There was uncertainty about accuracy of the shadow study (1:37:38), (1:42:03), (1:45:55)
11. A shade study should be done an outside party (1:45:42), (1:46:07), (1:50:45)
12. Light impact on 5 Laurel is the primarily concern (1:47:15), (1:50:50)

13. It is impossible not to have an impact on the neighbors in small lots (1:50:34), (1:51:00)
14. A second floor's impact on privacy is part of life in a tight neighborhood (1:51:10), (1:52:23)
15. Privacy is not a given in downtown area with dense neighborhood (1:51:12)

Shadows
The proposed second floor is 19'-4" feet away from 5 Laurel Ave., over 20' away from 15 Laurel Ave. and over 30' away from 1055 San Anselmo Ave. residences.

Two third-party Shadow Studies and a Numerical Shadow Impact dated 3-23-2022 were peer-reviewed by Town's consultant, and verified as accurate on 4/15/2022. Shadow Studies 01 & 02, consisting of 70 plates each, show the existing and proposed shadows on the 21st day of each month of the year at 6:00 a.m., 9:00 a.m., 12:00 noon, and 3:00 p.m. & 6:00 p.m.

Shadow Impact on 5 Laurel Ave.
Shadow Studies indicate the exact time when both existing and proposed shadows reach a south facing window on the rear of 5 Laurel Ave. Primary living spaces in the residence at 5 Laurel Ave. are oriented toward Laurel Ave. and San Anselmo Ave. The proposed Project faces the rear of 5 Laurel Ave. Shadows cast on one particular window at the rear of 5 Laurel Ave. were the subject of much dispute in prior hearings, and was cited by some Commissioners as a primary reason for the planning Commission's decision to deny the application.(1:47:15), (1:50:50), (1:37:38), (1:42:03), (1:45:55), (1:36:20)

Numerical analysis indicates zero impact during seven months of the year and an aggregate yearly impact of only 11%.

Shadow impact on 15 Laurel Ave.:
15 Laurel Ave. is located to the south of the Project. Shadow Study 01 or 02 confirm that there is no shadow impact on 15 Laurel Ave. at any time of the year.

Shadow impact 1055 San Anselmo Ave.:
1055 San Anselmo sits to the west of the Project; therefore, shadow impacts are in only later afternoon, and they are mixed.

Shadow Study 01 shows that the proposed Project allows for more sunlight on:
1/21 @ 3:00 p.m. and 4:00 p.m.
2/21 @ 3:00 p.m. and 5:00 p.m.
3/21 @ 6:00 p.m.
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12/21 @ 3:00 p.m. and 3:30 p.m.

Shadow Study 01 shows that the second-floor addition casts slightly more shadow in late afternoons on:
5/21 @ 6:00 p.m.
6/21 @ 6:00 p.m.
7/21 @ 6:00 p.m.
8/21 @ 6:00 p.m.

Shadow impact on 8 Laurel Ave. (apartment building across the street from the Project):
Shadow study 02 confirms that there is no impact from the proposed second-floor addition on 8 Laurel Ave. at any time of the year.

The proposed project at 9 Laurel Ave. has no impact on the light and air of 21 Laurel Ave., since it cannot see or be seen from 21 Laurel Ave. The same is true of any other property on Rowland Ct., Hazel Ave., Redwood Rd., and San Anselmo Ave.

In previous hearings, Planning Commissioners conceded that "it is impossible not to have an impact on the neighbors in small lots." (1:50:34), (1:51:00), and "certain amount of shadow is acceptable" (2:08:00), (2:09:00).

Independently-verified evidence indicates that the Project will not cast significant shadows on any neighboring properties. Furthermore, an assertion that installation landscaping will cause unreasonable shadow impacts is unprecedented, and not supported by any facts or evidence.

Variance Supplemental Questionnaire

Applicants request a **variance to relocate two existing parking spaces** that are currently located on the south and rear setbacks of the property to the north and front setback areas.

1. List below special circumstances applicable to the property, including size, shape, topography, location, or surroundings, to show why the variance should be granted, and why the granting of the variance will not be a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone.

The parcel is 3,983 sq. ft. in area, and is 53' wide. The parcel is trapezoidal in shape with front property line is at an angle to the side property lines, such that the north boundary is over 6' longer than the south boundary, providing enough depth for tandem parking. An existing structure 29.18' x 37.90' occupies the middle portion of the parcel such that any open area left for parking falls within the front, side or rear setbacks unless the existing residence is demolished. The existing parking spaces are in the side and rear setbacks.

The only area outside of setbacks that can accommodate a set of stairs is on the south side of the residence. The most compact run of stairs (straight run) and landings require 80 to 90 sq. ft. of area. Placing a straight run of stairs inside the existing residence will require a near total demolition of the existing residence, and will create an unreasonable hardship.

A new residence on this site that complies with a 20-foot front setback and has two code-compliant parking spaces and up to 400 square feet of garage area would be much larger and more massive than what is currently proposed. A new home would likely have taller plate heights at the lower level and have a larger second story, like the first plan for this site. The small lot size and angled front property line are also unusual circumstances that
Small parcel size, trapezoidal parcel shape, and an existing structure in the middle of the parcel are the physical constraints and special circumstances that make it difficult to comply with the 20-foot front yard setback requirement, and force any parking into the setbacks regardless of any design approach for the project.

All parcels in the immediate vicinity are smaller than is currently allowed, and most other existing residences in the vicinity have had their parking in the side setbacks and in plain view for decades without any detrimental effect on the aesthetics and character of the neighborhood and public.

The granting of a variance does not constitute a granting of a special privilege, since many surrounding properties have a similar condition and enjoy similar benefits.

As such, the provisions of California Gov. Code section 65906, providing that when, "because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification" a variance shall be granted, apply here. Moreover, the requirement that substantial evidence to support the Town's required findings, as contemplated by Code of Civil Procedure 1094.5 and *Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506 has been achieved.

Accordingly, the strict application of San Anselmo Municipal Code Section 10-3.501, et seq, deprives the applicant of privileges enjoyed by other property in the vicinity and under the Town's zoning ordinance.

2. List below your reasons why the variance will not materially affect adversely the health or safety of persons residing or working in the neighborhood or be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Relocating existing parking spaces from the south of the property to its north has no physical or measurable effect on the neighborhood. These are unenclosed parking spaces, with no physical impact on any quality-of-life values in the

neighborhood. They do not cast shadows, and are perceived as open space. The average person will not notice that open parking spaces have moved from one side to the other side of the property. On the other hand, enclosed garage space or parking spaces that meet the 20-foot front and rear setbacks and 8-foot side setbacks may lead to upper-level development that has a negative impact on adjacent property.

The existing site currently has no landscaping where the new parking space is proposed. The parking space configuration will be a tandem driveway, which is very common in San Anselmo residential areas and does not require new screening landscaping. The tandem driveway design with pervious pavers mitigates the visual impact of the parking design.

Most other existing residences in the vicinity have had their parking in the side setbacks and in plain view for decades apparently without any detrimental effect on the aesthetics and character of the neighborhood and public.
The neighboring north side yard, adjacent to where the parking spaces would be relocated, already has a transparent wire fence, and no landscape materials exist there that can block sight distance. The apartment building directly across the street has an open parking garage where cars have been in plain view for decades apparently without any detrimental or injurious effect on the neighbor's enjoyment of their property. There is no material adverse impact to anyone. (Gov. Code Sec 65906, infra).

The addition of one additional parking space in the front setback will encourage parking to be off-street, which will be a benefit in the long term as the Town adds more red curb lanes in neighborhoods to ensure roads are accessible for emergency vehicles, which often reduces on street parking. In addition, the Town is expecting other property owners to convert garages to ADUs, which will continue to increase demand for street parking spaces.

Variance Supplemental Questionnaire

Applicants request A demolition permit since the project includes removal of more than 50% of the exterior walls. 54.3% total demolition proposed, of which 25.3% is for the main residence walls and the balance is for accessory garage structure. **A variance is requested** to maintain the existing lower level of the structure 15.94' to 18.97' from the front property line (20-foot setback required for over 50% demolition).

1. **The demolition will not remove from the neighborhood or Town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value:**

The project site is a portion of lots 5 and 6 of an unrecorded Yolanda Park Subdivision ("the subdivision"), subdivided prior to 1919. The first homes developed on the street were the bungalows at 15, 16 and 42 Laurel (and a residence in the area of 26 Laurel that was replaced). According to the County Assessor, the site and adjacent lot 5 Laurel Avenue were developed in 1939-1940. In 1934, the Town Council denied a request to rezone 5 and 9 Laurel Avenue to allow construction of a gas station. The Town of San Anselmo does not have an official local register of historic properties or historic districts. The site was not listed in the 1987 historic resource survey. The bungalows at 15 and 16 Laurel Avenue were identified as potentially eligible for local listing in that survey. The site does not represent a particular architectural style and was not designed by a notable architect. The residence would not qualify for listing on a state or federal historic register.

2. The project is consistent with the San Anselmo General Plan
See finding above.

3. The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The proposed residence will meet building codes and will be up to current fire safety standards with sprinklers. The second story is stepped back on sides and well-articulated and will not cause injury to others. Windows and solid deck railings have been designed to maximize privacy between sites.

4. The granting or denying of a demolition permit for the demolition of structures may also be subject to the following findings based on substantial evidence as determined by the Planning Commission or Town Council:

a.) Failure to approve a demolition permit will cause immediate and substantial hardship because of the conditions peculiar to a particular structure, and such hardship has not been created by an act of the owner in anticipation of action under this chapter. Examples of hardship include health and safety hazards that cause the building to be unsafe. Personal, family, financing difficulties, loss of prospective profits and neighboring violations are not justifiable hardships.

b.) It is necessary to reveal previous architectural features covered up, such feature that would be functionally and aesthetically compatible with the existing improvements and the natural elements of the area.

These findings are inapplicable to this project. The structure would not qualify for listing on a state or federal register. Failure to approve the demolition permit would not cause immediate hardship and is not necessary to reveal previous architectural features.

Findings for Design Review

Applicant Name: Hassan Afrookteh & Brooke Peterson
Property Address: 9 Laurel Avenue, San Anselmo, CA 94960
Assessor Parcel Number: 007-112-11

Residential R-1, R-2, and R-3 (Three (3) or fewer units) below 150 feet Mean Sea Level (flatland).

1. Is functionally and aesthetically compatible with the existing improvements and the natural elements in the surrounding area

The current re-design addresses the comments made by the commissioners and the public in three public hearings as well as those contained in staff reports. During the 9/20/2021 hearing, the Planning Commission indicated that the Project has been responsive to Commission and staff input from the past two hearings. The Commission has consistently indicated that there is no precedent in disallowing second-story additions in any one-story neighborhoods (3:15:12),

The project area is a mix of architectural styles with no particular design aesthetic that predominates. The residences were primarily built between the 1920s and 1960s. Because there is no predominant architectural style in the project area, the proposed building design would be compatible with the mixed visual character of the area. The Planning Commission has indicated that there is in fact a variation of different types of homes in the neighborhood (1:26:25), (1:36:52), (1:54:52), (1:40:40); that There is no precedent in disallowing second-story additions in any one-story neighborhood (3:15:12), and It is not unreasonable to seek a second-floor addition in this neighborhood (3:17:17), (3:21:15)

Defining a neighborhood as four houses on one side of a street is misleading and ignores the fact that there is a two-story, six-unit apartment building across the street, and numerous two-story buildings exist throughout the immediate area.

Specifically, the project addresses aesthetic compatibility with the existing improvements through articulation of massing and reductions in size, mass and volume of the residence in each iteration. These reductions, combined with articulation of massing, a variety of roof shapes, intersecting gables, voids and overhangs resulted in a modestly sized house of 1,783 sq. ft. that avoids aesthetic incompatibility with the mixed visual character of its surroundings.

The project is functionally compatible with its surroundings as the property will continue to function as a single-family dwelling like most of the surrounding properties. No other uses are proposed for this property; therefore, it is functionally compatible with its surroundings.

This property has not had any major improvements in eight decades. The house will have a new exterior, landscaping and sidewalk and will have a size and character that will fit well in the neighborhood.

2. Provides for protection against noise, odors, and other factors which may make the environment less desirable.

The application does not propose to change the use of the property, and does not anticipate any increase in noise, odor and other undesirable effects resulting from its continued use as a single-family dwelling. Residential land uses are not associated with the creation of substantial objectionable odors. Potential noise resulting from the project include temporary construction noise, automobile movement and mechanical equipment and noise associated with residential use. The project is expected to emit residential noise similar to noise levels in the existing residential neighborhood.

3. Will not tend to cause the surrounding area to depreciate materially in appearance or value or otherwise discourage occupancy, investment, or orderly development in such area.

The existing house has not been updated in decades. The completed project will be highly desirable and will help to increase the value of the neighboring properties.

"Good Home Improvers Make Good Neighbors", is a 2008 study by Kevin Park at the Joint Center for Housing Studies at Harvard University. It's conclusion states:

"This paper finds a modest but statistically significant effect of neighborhood home improvement activity on house value appreciation, even for individual households with comparable levels of improvement spending. Following theory, this "neighborhood effect" was strongest among those households which spend the least individually. Further, the higher spending neighborhoods had, on average, higher appreciation rates, even when looking at comparable levels of household home improvement spending, in 11 of the 18 metro-areas analyzed. Looking across all metros, the average magnitude of this difference amounted to an inflation-adjusted annual appreciation rate roughly 15 percent higher over the time period analyzed. For a typical house worth $110,000 in 1996, this would yield an additional $3,900 in value by 2004."

4. Will not create unnecessary traffic hazards due to congestion, distraction of motorists, or other factors and provides for satisfactory access by emergency vehicles and personnel.

The completed house will remain a single-family house with the required off street parking. It generates no new traffic and will not create any unnecessary traffic hazards, nor impede access by emergency vehicles and personnel.
During construction the project will adhere to Town of San Anselmo's rules, regulations and guidelines regarding parking, traffic and work in the public right-of-way. A construction management plan which will include a traffic management plan will be submitted as part of the permit application.

5. Will not adversely affect the health or safety of persons using the improvement or endanger property located in the area.

The occupants of the improved house will enjoy living in a well-designed, well-constructed house.
No hazardous activities are associated with single family residential uses, and building codes do not allow the use of hazardous materials in construction.

6. Is consistent with the Town General Plan

The property is and will remain a single-family house in an R1 zoning district, where two-stories are allowed; thus, is consistent with the Land Use policies of the Town General Plan. The rehabilitation and addition will be consistent with Land Use Goal 1: "
The small-town character, scale, and pace of life in San Anselmo shall be preserved, as shall the Town's close connection with the natural beauty of its setting." And Goal 3: "
New developments shall be integrated harmoniously in to San Anselmo's existing neighborhoods and commercial areas."

The project is consistent with Land Use Policy 3.2: "Single-family residential development is most appropriate within and adjacent to existing single-family areas, and in areas easily served with water and sewer lines. Such areas should also serve as transition zones between mixed density and very low-density areas."

The project is located within a mixed neighborhood of single-story and two-story homes. This illustrates that the project is consistent with Land Use Policy 11.1: "New development, including rehabilitation and expansion projects, shall be of a scale, intensity, and design that integrates with the existing character of the surrounding neighborhood."

Although the project is of a small scale, it is consistent with Land Use Policy 11.2: "Medium- and large-scale development projects in both single-family and mixed residential areas shall provide for a variation in building heights and exterior wall and roof articulation to avoid monotonous structures with a large, blank visual bulk and mass."

7. Will not unreasonably impair access to light and air of structures on neighboring properties.

The proposed second floor is 19'-4" feet away from 5 Laurel Ave., over 20' away from 15 Laurel Ave. and over 30' away from 1055 San Anselmo Ave. residences.

Two third-party Shadow Studies and a Numerical Shadow Impact dated 3-23-2022 were peer-reviewed by Town's consultant, and verified as accurate on 4/15/2022. Shadow Studies 01 & 02, consisting of 70 plates each, show the existing and proposed shadows on the 21st day of each month of the year at 6:00 a.m., 9:00 a.m., 12:00 noon, and 3:00 p.m. & 6:00 p.m.

Shadow Impact on 5 Laurel Ave.
Shadow Studies indicate the exact time when both existing and proposed shadows reach a south facing window on the rear of 5 Laurel Ave. Primary living spaces in the residence at 5 Laurel Ave. are oriented toward Laurel Ave. and San Anselmo Ave. The proposed Project faces the rear of 5 Laurel Ave. Shadows cast on one particular window at the rear of 5 Laurel Ave. were the subject of much dispute in prior hearings, and was cited by some Commissioners as a primary reason for the planning Commission's decision to deny the application.(1:47:15), (1:50:50), (1:37:38), (1:42:03), (1:45:55), (1:36:20)

Numerical analysis indicates zero impact during seven months of the year and an aggregate yearly impact of only 11%.

Shadow impact on 15 Laurel Ave.:
15 Laurel Ave. is located to the south of the Project. Shadow Study 01 or 02 confirm that there is no shadow impact on 15 Laurel Ave. at any time of the year.

Shadow impact 1055 San Anselmo Ave.:
1055 San Anselmo sits to the west of the Project; therefore, shadow impacts are in only later afternoon, and they are mixed.

Shadow Study 01 shows that the proposed Project allows for more sunlight on:
1/21 @ 3:00 p.m. and 4:00 p.m.
2/21 @ 3:00 p.m. and 5:00 p.m.
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11/21 @ 3:00 p.m. and 3:40 p.m.
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Shadow Study 01 shows that the second-floor addition casts slightly more shadow in late afternoons on:
5/21 @ 6:00 p.m.
6/21 @ 6:00 p.m.
7/21 @ 6:00 p.m.
8/21 @ 6:00 p.m.

Shadow impact on 8 Laurel Ave. (apartment building across the street from the Project):
Shadow study 02 confirms that there is no impact from the proposed second-floor addition on 8 Laurel Ave. at any time of the year.

The proposed project at 9 Laurel Ave. has no impact on the light and air of 21 Laurel Ave., since it cannot see or be seen from 21 Laurel Ave. The same is true of any other property on Rowland Ct., Hazel Ave., Redwood Rd., and San Anselmo Ave.

Independently-verified evidence indicates that the Project will not cast significant shadows on any neighboring properties. Furthermore, an assertion that installation landscaping will cause unreasonable shadow impacts is unprecedented, and not supported by any facts or evidence.

In previous hearings, Planning Commissioners conceded that "it is impossible not to have an impact on the neighbors in small lots." (1:50:34), (1:51:00), and "certain amount of shadow is acceptable" (2:08:00), (2:09:00).

8. Will not unreasonably affect the privacy of neighboring properties including not unreasonably affecting such privacy by the placement of windows, skylights and decks

During the 9/20/2021 Planning Commission hearing, commissioners indicated that

1. It is impossible not to have an impact on the neighbors in small lots (1:50:34), (1:51:00)
2. A second floor's impact on privacy is part of life in a tight neighborhood (1:51:10), (1:52:23)
3. Privacy is not a given in downtown area with dense neighborhood (1:51:12)

Screen plants have been successfully used to mitigate privacy concerns throughout the world for centuries. They have been used in San Anselmo for at least a century with examples throughout the town. Appropriately selected screen plantings are proposed on the east and south perimeters to block any views into the interior or the open spaces at 1055 San Anselmo Ave., and 15 Laurel Ave.

The sightlines and privacy issues are illustrated on sheet A19. These were identified during discussions with the affected neighbors, and in the course of the three public hearings. The Project uses high sill window on the north, east, and south facades, and has no second-floor windows that can overlook 15 Laurel Ave. The east façade second floor windows are setback an additional 6 feet, and are set deep behind a deck which acts as buffer. Solid railing on the second-floor deck blocks any views to 1055 Laurel Ave. from a seated or a reclined position.

The proposed project at 9 Laurel Ave. has no impact on privacy of 21 laurel Ave., since it cannot see or be seen from 21 Laurel Ave. or 8 Laurel Ave. The same is true of any property on Rowland Ct., Hazel Ave., Redwood Rd., and San Anselmo Ave. other than 1055 San Anselmo Ave. as discussed above.

9. Be of a bulk, mass and design that complements the existing character of the surrounding neighborhood

The Planning Commission has affirmed that there is no precedent in disallowing second-story additions in any one-story neighborhoods (3:15:12), and it is not unreasonable to seek a second-floor addition in this neighborhood (3:17:17), (3:21:15).

An on-the-ground observation of a neighborhood map of the Unrecorded Yolanda Subdivision indicates that 12 of the 37 structures contained in the outlined area are two-story, many are not bungalows or cottages, and multiple structures have attached garages. These are randomly distributed in the outlined area.

Building heights generally vary from one to two stories in the neighborhood. The aerial view on Sheet A16 shows that nearly 20% of the buildings in the immediate area are two stories.

The project area is a mix of architectural styles with no particular design aesthetic that predominates. The residences were primarily built between the 1920s and 1960s. Because there is no predominant architectural style in the project area, the proposed building design would be compatible with the mixed visual character of the area.

The proposed project maintains the low front portion of the existing residence, keeps the roof shape and slope of the existing residence on the second floor, while adding intersecting gables and a variety roof shapes. North and east facades are stepped back, west façade employs a recessed deck to break up and reduce the apparent mass of the building.

Stairs are located in the only place that can accommodate them without demolishing of the existing residence. Stairs are intrinsically two-story elements whose volume cannot be stepped back. An overhang that introduces a shadow band and windows are employed to break up the stair wall on the south side. Examples of similar second floor additions with two

story walls and little to no articulation that are currently under construction in San Anselmo can be seen here, here, and here.

10. Will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

The improved structure will incorporate many sustainable features. The existing house structure kept intact in the front, and the rear portion is incorporated into the improvements. The site will include fully landscaped front and rear yards. Peer-reviewed independent shadow studies prove that he proposed project has no impact on access to light and air for neighbors to the south, or across the street to the east.

Demolition of the existing garage will, on aggregate, provide more sunlight to the neighbor to the west for eight months out of the year and marginally increase shadows after 6:00 p.m. for the remainder of the year. There is only an 11% aggregate impact to the neighbor to the north throughout the year. The completed project will be built conforming to the latest edition of the California Building Code and up-to-date fire safety standards. It will be earthquake resistant, will have fire sprinklers, and will incorporate many sustainable features. It will be highly desirable and will help increase the value of the neighboring properties.

A requirement to step back walls of the Project on all sides is impractical, unprecedented, has no foundation in San Anselmo Municipal Code. Current buildings under construction throughout the town (here, here, and here) are evidence to the contrary.

Materials

The proposed exterior materials include gray board-and-batten siding, white wood trim and fascias, white window and door frames, and light gray asphalt shingle roof. Hardscape materials consist of wood deck over natural grade, tiled porches, pavers on permeable substrate, and artificial turf. The project includes landscaping in front and back yards with trees, hedge screen plants, shrubs and perennials.

Board and batten is a commonly used cladding material in San Anselmo and in Marin County. It is enjoying a new popularity.

In the immediate area board and batten siding can be seen on a second-floor addition at 25 Laurel Ave. and at 96 Redwood Ave. Elsewhere in town it is used in:

18 Mariposa, a newly constructed multi-family housing

MHBB bakery at 101 San Anselmo Ave.

Studio 5 Design, 25 San Anselmo Ave.

Residence at 44 Bolinas Ave.

Residence at 35 Waverly Rd.

Impacts During Construction

Project construction is estimated to take 10 to 12 months.

During project construction, the project contractor shall comply with the Basic Construction Mitigation Measures recommended by BAAQMD:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed.
4. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible.
5. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers.
6. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
7. Post a publicly visible sign with the telephone number for the building department to contact regarding dust complaints. The Building Official or his designee shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
8. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent.
9. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
10. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways.
11. Minimize the idling time of diesel-powered construction equipment to two minutes.

Site Runoff & Stormwater Management

The proposal does not include any re-grading of the site and does not alter the site's natural drainage patterns. The Town will require Best Management Practices (BMPs) to be implemented at the site during construction and all development projects in San Anselmo must comply with the Town's Grading Ordinance.

Odors

Diesel fumes from construction equipment and trucks may be found to be objectionable, but construction of the project would be temporary. The project will not create objectionable odors that affect a substantial number of people, resulting in a less than significant impact.

Noise and Vibrations

Construction activities associated with construction of the project would temporarily increase noise levels in the project area. Construction activities generate considerable amounts of noise, especially when heavy equipment is used. The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site, would be audible at the nearby residences, and could result in a significant impact.

Measures to reduce construction noise to the maximum extent feasible shall be included in contractor specifications and shall include, but not be limited to, the following:

1. Construction equipment shall be properly outfitted and maintained with manufacturer recommended noise-reduction devices to minimize construction- generated noise.
2. All property within 100 feet of the site shall be informed at least two weeks prior to the start of the construction project.
3. A noise disturbance coordinator shall be designated by the project applicant and will be responsible for responding to complaints about construction noise. The telephone number of the disturbance coordinator shall be posted in a conspicuous place at the construction site.
4. Construction hours, including the arrival and departure of employees, shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday.
5. Quiet construction work (such as hand painting and work inside the building) shall be allowed until 7:00 p.m. on weekdays and Saturdays from 9:00 a.m. to 5:00 p.m. and Sundays from 12:00 p.m. to 5:00 p.m. The construction work must not be heard from adjacent sites.
6. No amplified music or radios are permitted to be audible off the site.
7. Stationary construction noise sources such as air compressors, generators or pumps shall be shielded to minimize their sound and shall be located as far as practical from existing residences and businesses.
8. Impact tools and equipment shall have intake and exhaust mufflers recommended by the manufacturers. Pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers. In lieu of or in the absence of manufacturers' recommendations, the Director of Public Works shall have the authority to prescribe such means of accomplishing maximum noise attenuation as he deems to be in the public interest, considering the available technology and economic feasibility.
9. All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained.
10. All unnecessary idling of internal combustion engines is prohibited.

Green Building Features

The existing building at 9 Laurel Ave. was built in 1939. It is a single-story wood-frame structure that is clad in wood siding and stucco, and rests on a poured-in-place concrete foundation. The existing structure has no insulation in attic, floor or walls. There is no weather stripping on doors, and gaps exist in the siding. The existing furnace and water heater are old. There is a low-flush toilet; faucets and shower head are not low-flow.

The project in this application will be of type **RR5** under Table A of San Anselmo Green Building Standards for Residential Remodels. The project intends to incorporate the following measures:

Demolition & Construction Activities:

- Minimize demolition by re-using the existing structure
- Utilize a waste management company where demolition waste will be diverted

Site & Storm water:

- The aggregate irrigated landscaped area in the project will be under 500 sq. ft.
- There are no lawn areas; only synthetic lawn is used
- 65% of all parking, walking or patio surfaces is permeable, where min. 20% is required
- Plant selection consists of low and medium water-use plants
- Storm water will flow over permeable and landscape areas before leaving the site

Structure:

- Place cement mortar in annular spaces around pipes, electrical cables, conduits or other openings around the bottom plates of exterior walls to protect against passage of rodents

Openings

- Install Low E windows, and glazed exterior doors
- Install weather stripping on all doors and windows

Roof & Insulation:

- Install R-36 or greater insulation in attic spaces
- Install R-30 insulation at bottom floor
- Install Energy Star Cool Roof roofing shingles

Finishes:

- VOC content of adhesives, sealants, caulks shall comply with local rules or meet VOC limits in 4.504.1 & 4.504.2 of CA Green Building Standards Code
- Architectural paints and coatings shall comply with local rules or meet VOC limits in 4.504.3 of CA Green Building Standards Code
- Carpets and carpet cushion shall meet Carpet & Rug Institute's Green Label Plus Program
- Carpet adhesive shall meet VOC limits in 4.504.1 of CA Green Building Standards Code
- Composite wood products: Hardwood plywood, particle board & medium density fiberboard composite wood products shall meet the requirements for formaldehyde limits in 4.504.5 of CA Green Building Standards Code

Equipment:

- Gas fireplace shall be direct vent sealed combustion type
- Install Energy Star refrigerator and dishwasher

HVAC:

- Ducts and mechanical equipment will be protected from dust during construction
- Install a high efficiency furnace or a VRV system
- Install R-8 insulation warp on heating & cooling ducts
- Install ductwork under attic insulation

Plumbing & Hot Water:

- General: Plumbing fixture to meet applicable standards in Table 1701.1 of the CA Plumbing Code
- Water Closets: Effective Flush Volume not to exceed 1.28 gallons per flush
- Shower Heads: Maximum flow rate of 2.0 gallons per minute at 80 psi
- Lavatory Faucets: Maximum flow rate of 1.2 gallons per minute at 60 psi. Min flow rate of 0.8 gallons at 20 psi
- Kitchen Faucet: Maximum flow rate of 1.8 gallons per minute at 60 psi
- Install insulation on exposed hot water pipes in unconditioned areas
- Install a high efficiency water heater or an on-demand water heater

Moisture Control & Indoor Air Quality:

- Concrete slab floor shall have a vapor retarder
- Concrete slab floor shall have a capillary break of no less than 4" of clean crushed drain rock
- Install vapor barrier at all under floor areas
- Moisture content of wall and floor framing shall be less than 19% before being enclosed
- Exhaust fans shall be Energy Star compliant & ducted to the outside; shall be controlled with a timer switch, an occupant sensor or a humidistat
- Install one Carbon Monoxide Alarm in garage

Lighting & Electrical:

- All lighting shall be LED type
- All lighting controls per CA Energy Code
- 240-volt, 40-amp receptacle in garage for electric vehicle charging